

REMARKS

In the Office Action mailed May 19, 2004, claims 1-6 and 8-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Izzo (U.S. Patent No. 4,493,713) in view of Clayton (U.S. Patent No. 4,332,347).

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Izzo in view of Clayton and further in view of Balzar, et al. (U.S. Patent No. 6,036,679).

Applicants respectfully submit that claim 1 defines over the combination of Izzo and Clayton. Respectfully, the combination of references does not disclose an absorbent article package that includes a pouch with an open top that is sealed only by a panel such that the panel is the only member of the absorbent article package that effects sealing of the open top of the pouch.

Izzo discloses a removable bag 16 that is closed by use of a flap 36 having a fastening strip 38 connectable to a front face 32 of the bag 16 (see Izzo at Col. 3, ll. 3-7).

Clayton discloses a plastic bag that includes both a tuck-in cuff 25 and a fold-over cuff 27. In order to close the top opening 29, a user inserts his or her fingers into the tuck-in cuff 25 and folds the tuck-in cuff 25 over an object inside of the plastic bag (see Clayton at Col. 2, ll. 42-45). The tuck-in cuff 25 is configured so as to allow the user to use his or her fingers to neatly tuck the tuck-in cuff 25 in place in the bag between the object and the front wall of the bag (see Clayton at Col. 2, ll. 45-47). Next, the fold-over cuff 27 is pulled up and over the top opening 29 and over the tuck-in cuff 25 to finish the closing of the bag (see Clayton at Col. 2, ll. 47-50). As can be seen in Figure 4, the top opening 29 of the bag is closed by both the tuck-in cuff 25 and the fold-over cuff 27.

Clayton specifically teaches towards the use of both the tuck-in cuff 25 and the fold-over cuff 27. Clayton explicitly states that the tuck-in cuff 25 facilitates the tucking operation in order to provide a neater appearance and improved freshness for a product inserted into the bag (see Clayton at Col. 1, ll. 39-41). Use of both the fold-over cuff 27 and the tuck-in cuff 25 is described as being a “considerable improvement” over previous bags that employed only a single tuck-in cuff (see Clayton at Col. 1, ll. 24-26).

Claim 1 of Applicants’ application calls for the open top of the pouch to be defined by the top edges of the front surface and the panel, and to be sealed by the panel so that the panel is the only material layer of the absorbent article package that effects sealing of the open top of the pouch. This structure is not disclosed in the combination of Clayton and Izzo. Clayton is specifically directed towards a plastic bag in which the top opening 29 is sealed by both the tuck-in cuff 25 and the fold-over cuff 27. As such, incorporation of this closing structure into the removable bag 16 of Izzo would result in a configuration different than that of claim 1 of Applicants’ application.

Further, even if one were to modify the bag of Izzo with the fold-over structure of Clayton, such combination would still include a tuck-in cuff that is first folded over the top of the bag prior to folding the cuff over the top. The tuck-in cuff would correspond to flap 36 of the Izzo bag. There is no motivation, suggestion, or teaching whatsoever to eliminate the flap 36, particularly in view of the fact that the use of both the tuck-in cuff 25 and the fold-over cuff 27 in Clayton is described as being a “considerable improvement” and provides for a neater appearance and improved freshness over previous types of arrangements. Therefore, it would not have been obvious for one having ordinary skill in the art to modify the

arrangement of Clayton, or Izzo to eliminate the fold-over flap 36 of Izzo or cuff 25 of Clayton because doing so would remove the explicitly stated benefits and advantages of the reference.

Therefore, Applicants respectfully submit that claim 1 defines over the combination of Izzo and Clayton and is in condition for allowance. Further, all claims that depend from claim 1 (claims 2-8) are also in condition for allowance. The rejections to claims 2-8 are made moot due to the allowance of claim 1.

Applicants have amended claim 9 in order to call for an absorbent article package in which the pouch is closed upon positioning a single material layer defined by a portion of the wrapper material. Although not exact, the amendment to claim 9 is similar to the amendment to claim 1 and Applicants respectfully submit that claim 9 defines over the combination of Izzo and Clayton for essentially the same reasons as discussed above with respect to claim 1 and is in condition for allowance. Further, all claims that depend from claim 9 (claims 10-13) are also in condition for allowance. The rejections to claims 10-13 are made moot due to the allowance of claim 9.

Applicants respectfully submit that all claims are allowable and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at her convenience in order to resolve any remaining issues.

Respectfully submitted,

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August 18, 2004
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